

City Council Introduction: **Monday**, February 26, 2001

Public Hearing: **Monday**, March 5, 2001, at **1:30 p.m.**

Bill No. 01R-46

FACTSHEET

TITLE: **USE PERMIT NO. 113A**, an amendment to Use Permit No. 113, requested by Lighthouse Properties, L.L.C., to allow a ground sign in the front yard setback, on property generally located at North 27th Street and Folkways Blvd.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 01/24/01
Administrative Action: 01/24/01

STAFF RECOMMENDATION: Conditional approval.

RECOMMENDATION: Condition approval (9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes').

FINDINGS OF FACT:

1. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3.
2. This application was placed on the Consent Agenda of the Planning Commission on January 24, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.
4. The site specific conditions of approval required to be completed prior to scheduling this item on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 20, 2001

REVIEWED BY: _____

DATE: February 20, 2001

REFERENCE NUMBER: FS\CC\FSUP113A

[illegible]

DATE: February 20, 2001

GENERAL INFORMATION:

CONTACT: Michelle Shandera Kugler
Rembolt Ludtke & Berger LLP
1201 Lincoln Mall, Ste 102
Lincoln, NE 68508
(402) 475-5100

HISTORY: Changed from AA Rural and Public Use to A-2 Single Family with the adoption of the new Zoning Map in 1967. Converted to R-2 Residential during the 1979 Zoning Update. The R-2 Planned Unit Development Overlay District was added in January of 1986. The original North Gate Estates and change of zone to R-4 was approved by the Planning Commission and City Council in June and July of

1994. The PUD (2804A) was amended to add two townhouses in the western area and to adjust parking, in January 1997. The northern half of the lot was removed from the PUD and the zoning was changed to B-2, in November, 1998. At that time, Use Permit #113 for a hotel and convention center was approved.

SPECIFIC INFORMATION:

UTILITIES: Available

TOPOGRAPHY: Sloping to the south

TRAFFIC ANALYSIS: N. 27th Street is a major arterial.

PUBLIC SERVICE: This site is served by Fire Station No. 10 at 1440 Adams.

ENVIRONMENTAL CONCERNS: none.

AESTHETIC CONSIDERATIONS: This area is in a Capitol View Corridor. The applicant has shown and preserved the line of site on the site plan for the Use Permit.

ANALYSIS:

1. This is a request to permit a ground sign to be located in the N. 27th Street front yard setback.
2. Section 27.69.046(d) allows one on-premises ground sign for each free standing building, within 30 feet of the building. Such signs are not allowed to be within the front yard setback.
3. Section 27.69.046(e) allows the City Council to adjust the sign requirements in conjunction with a Use Permit.
4. Two ground signs were allowed within the N. 26th Street front yard at the time Use Permit 113 was approved.
5. A pole sign for the hotel is within the front yard setback along N. 27th Street.
6. The proposed sign is shown 17' back from the N. 27th Street property line, the same distance as the existing pole sign.
7. The proposed sign is 5'8" tall and has an area of approximately 30 square feet. The maximum height allowed for a ground sign under Section 27.69.046(d) is 8' tall, with a maximum allowed area of 50 square feet.
8. Additional signs were permitted in the front yard setback for the Elizabeth Park North property south of this site south of Kensington Drive under Use Permit #94A.
9. This proposal is consistent with previously approved proposals south of this site.

STAFF RECOMMENDATION:

Conditional approval

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
 - 1.1.1 Show all modifications to the plans that have been previously approved.
 - 1.1.2 Show the distance from the ground sign to the south property line.
 - 1.1.3 Dimensions from property lines, not sidewalks.
 - 1.1.4 Correct the zoning information shown in the "Adjacent Zoning Area" inset.
 - 1.1.5 The legal description of the site.
 - 1.1.6 The sign area dimensioned and drawn to scale.
 - 1.1.7 Revise the sign detail to include only the information pertinent to the ground sign.

- 2. The City Council shall approve waivers to allow a ground sign to be located more than 30 feet from the building and within the front yard setback.
- 3. This approval permits a ground sign along N. 27th Street, located more than 30 feet from the building and within the front yard setback, as shown on the approved site plan.

General:

- 4. Before receiving building permits:
 - 4.1 The permittee shall have submitted a revised and reproducible final plan.
 - 4.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

- 5. The following conditions are applicable to all requests:
 - 5.1 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 5.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 5.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 5.4 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
- 6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Jennifer L. Dam, AICP
Planner

USE PERMIT NO. 113A

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

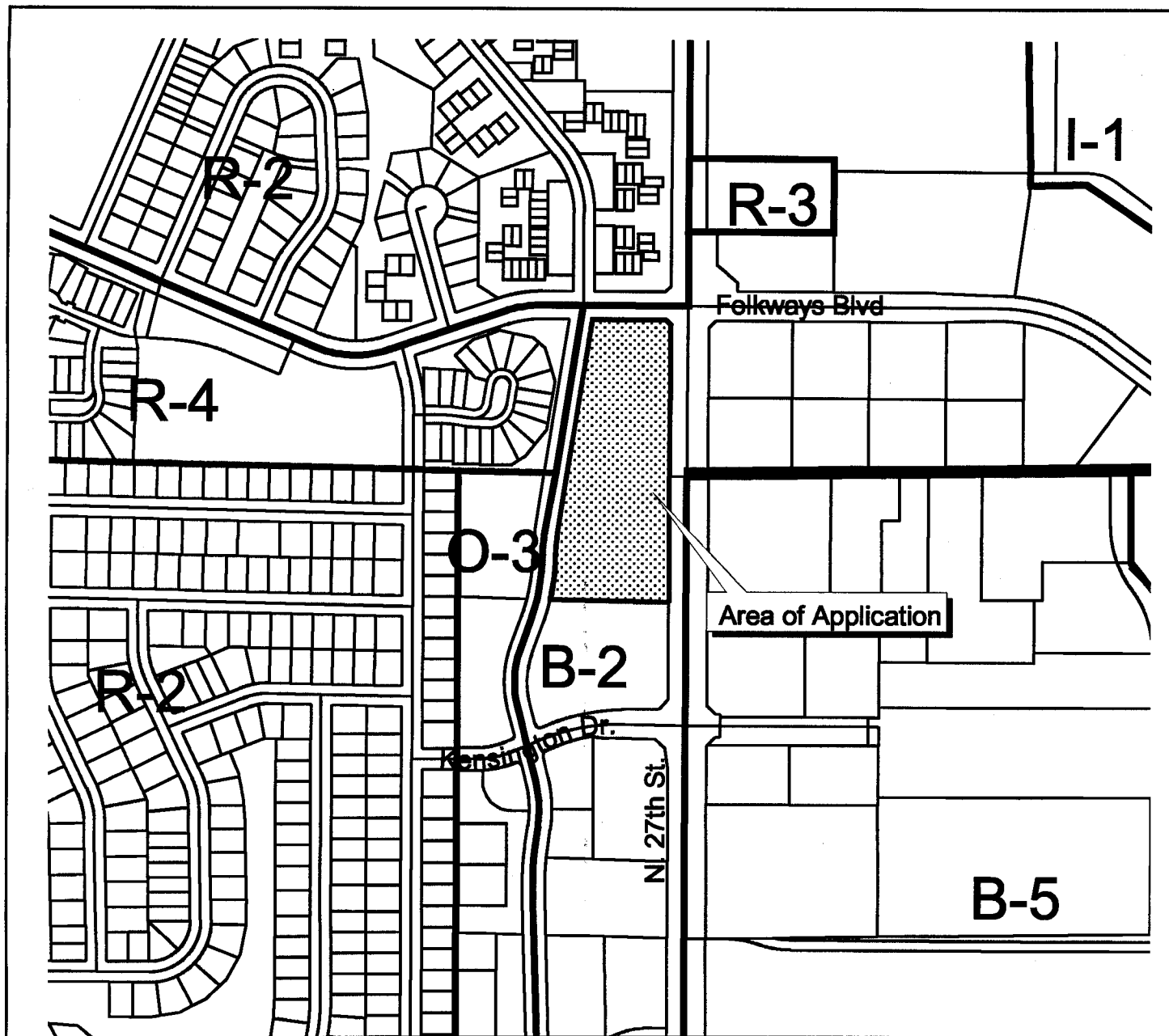
BEFORE PLANNING COMMISSION:

January 24, 2001

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor.

The Consent Agenda consisted of the following items: **USE PERMIT NO. 113A AND STREET AND ALLEY VACATION NO. 00023.**

Carlson moved to approve the Consent Agenda, seconded by Schwinn and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.



**USE PERMIT NO. 113A
NORTH GATE INN
NO. 27TH & FOLKWAYS**

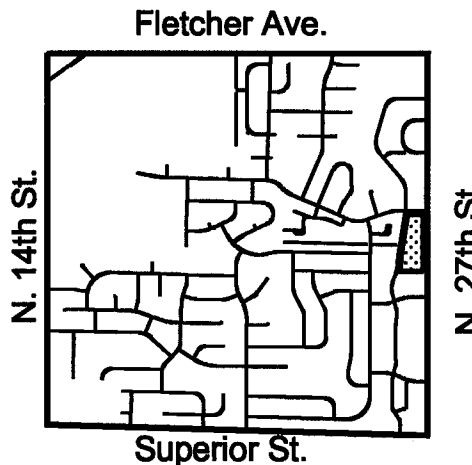
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 1 - T10N - R6E



Zoning Jurisdiction Lines



007

Sheet 1 of 3
Date: 1/9/01



**USE PERMIT NO. 113A
NORTH GATE INN
NO. 27TH & FOLKWAYS**

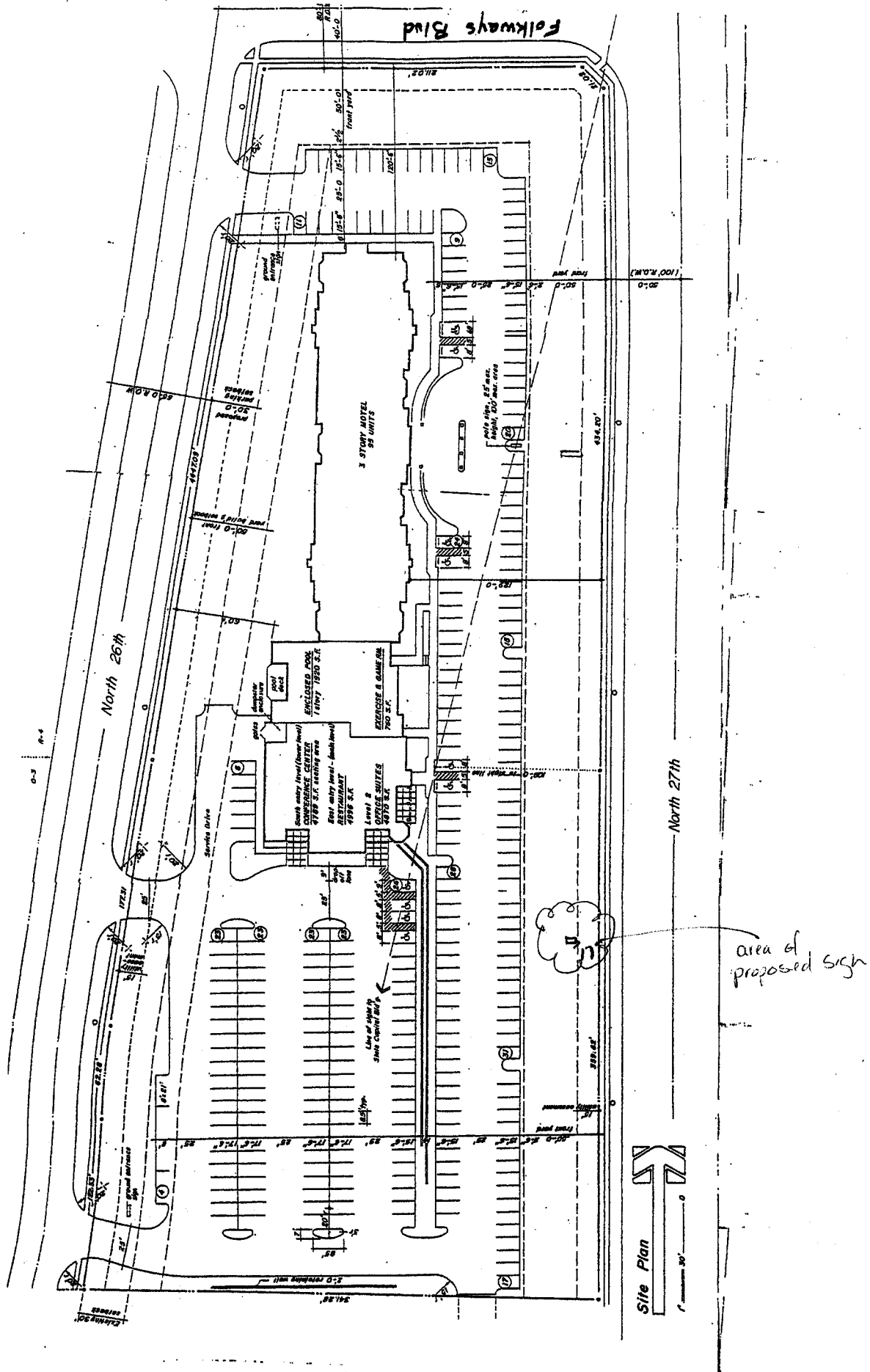


Sheet 2 of 3

Date: 9 January 2001

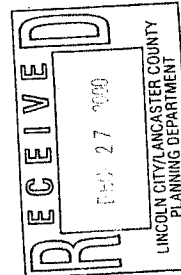
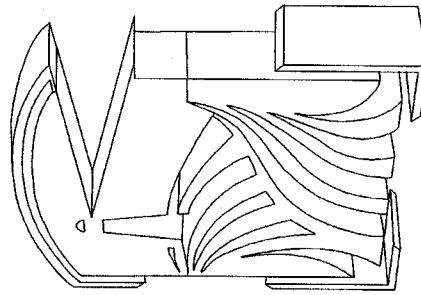
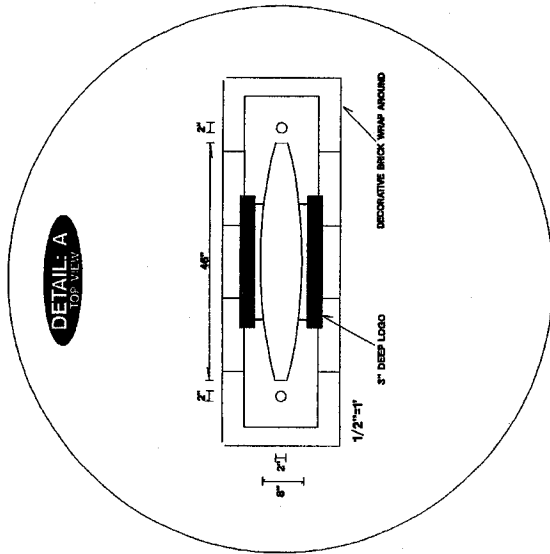
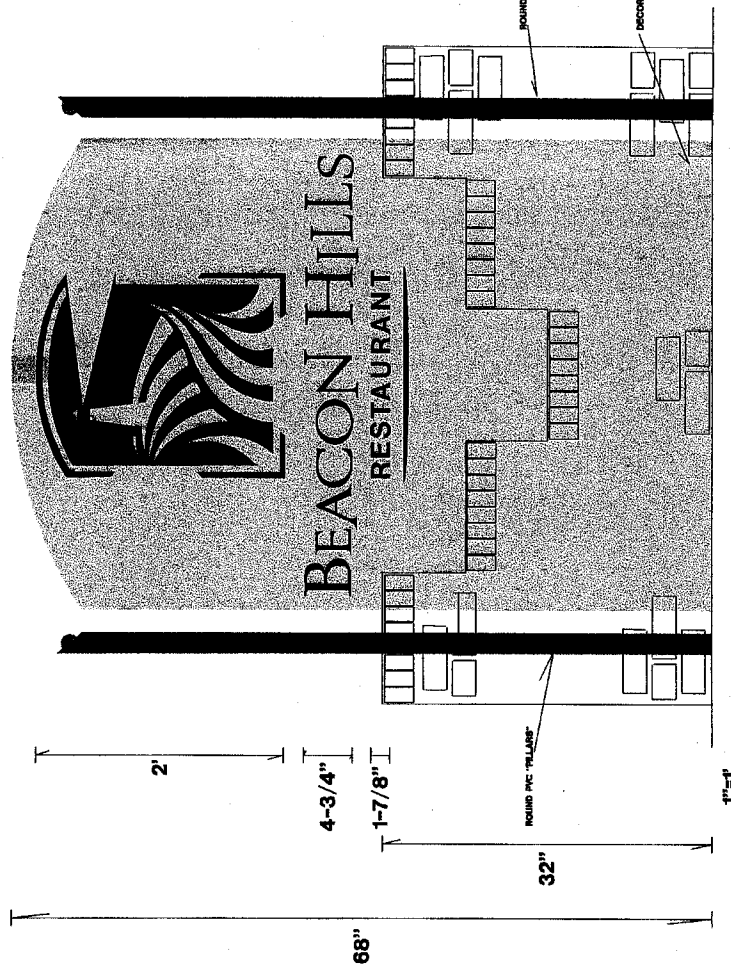
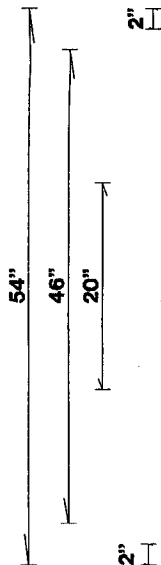
Photograph Date: 1999 IMAGERY

008



Site Plan

SIGN: A



NEW - DOUBLE FACED - NON ILLUMINATED - GROUND SIGN

1. CUSTOM FABRICATE CABINET, 24 GAUGE #3000 CORPERS FINISHED SHEET METAL, CUSTOM "ROLLED" AROUND A 2" SQUARE TUBE FRAME
2. COPY AND LOGOS TO BE FLAT CUT OUT 1/2" COPRIST PAINTED BLUE TO MATCH PMS #288C
3. 2" (PILLARS) AND TOP PIECE TO BE 2" PVC TUBE PAINTED BLUE TO MATCH PMS #288C.
NOTE TOP PIECE RADIUS TO MATCH SIGN TOP RADIUS. STUD MOUNT TOP PIECE TO CABINET WITH 2" SPACERS
4. COPY AND LOGOS TO BE SET IN THE GROUND PROXIMAL TO SIGN AS SHOWN IN SKETCH
5. (PILLARS) TO BE SET IN THE GROUND PROXIMAL TO SIGN AS SHOWN IN SKETCH
6. COPY AND LOGOS TO BE STUD MOUNTED TO CABINET WITH 1/2" SPACERS. LOGO AND COPY MAY BE MOUNTED TO CLEAR LEXAN BEFORE STUD MOUNTING TO SIGN. VERIFY METHOD
7. DECORATIVE CABLES TO BE ATTACHED TO TOP PIECE AND (PILLARS) WITH BRASS EYE BOLTS
8. NEBRASKA NEON SIGN COMPANY TO DIG FOOTING, SET 2" SQUARE TUBE PIPE, AND INSTALL SIGN. BRICK DECORATIVE WRAP AROUND BY OTHERS

CLIENT	BEACON HILLS	SALESPERSON	FRANKS	HARD COPY	Y
ADDRESS	5533 N. 27TH	ARTIST	ENGLEND	SITE PLAN	
CITY	LINCOLN	SKETCH NO.	0232	PHOTO	
STATE	NEBRASKA	SCALE	NOTED	CLIENT APPROVAL	
		DATE	10/20/00	DATE	

Nebraska Sign Company
140 North 21st Street
PO Box 80555
Lincoln, Nebraska 68601
FAX (402) 476-3461
Ph. (402) 476-6563
COMPUTER FILE (BEACON HILLS)

REMBOLT LUDTKE & BERGER LLP

ATTORNEYS AT LAW

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(402) 475-5100
FAX (402) 475-5087
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December 27, 2000

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* ALSO ADMITTED IN IOWA

VIA HAND DELIVERY

Mr. Ray Hill
Lincoln Planning Department
555 S. 10th Street, Room 213
Lincoln, NE 68508

RE: *Application For Use Permit*
Petitioner: Lighthouse Properties, LLC

Dear Ray:


This law firm represents Lighthouse Properties, LLC with respect to the enclosed Application for Use Permit. Pursuant to our telephone conversation, enclosed are the following:

- ✓ Application For Use Permit, Lighthouse Properties, LLC, Petitioner
- ✓ 12 copies of the Site Plan for the entire project (proposed sign location is highlighted)
- ✓ 12 copies of the Sign Design
- ✓ Certificate of Ownership
- ✓ Check in the amount of \$585.00 for the filing fee

I understand that this matter will be placed on the Lincoln Planning Commission's agenda for January 24, 2001.

Please direct all questions or comments regarding this matter to the undersigned. I appreciate your assistance with this matter.

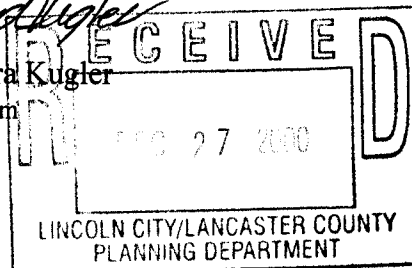
Sincerely,


Michelle Shandera Kugler
mkugler@remlud.com

J:\MSK\LETTERS\Hill-lt1227

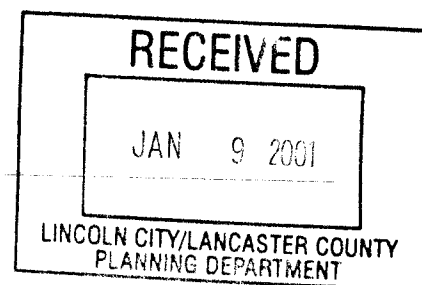
Enclosures

pc: Anne McVeigh (w/out enclosures)
Gina Frakes (w/out enclosures)



011

Memorandum



To: Jason Reynolds, Planning Department
From: Charles W. Baker, Public Works and Utilities *CBW*
Subject: Use Permit # 113 A
Date: January 3, 2001
cc: Allan Abbott, Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for the placement of a sign along the west side of N 27th Street south of Folkways Blvd. for Beacon Hills Restaurant. The proposed sign is located 17' west of the west property line and outside the 15' utility easement. Public Works has no objection.